In the High Court of Punjab and Haryana at Chandigarh

C.R. No. 5923 of 2006
Date of Decision: 10.11.2006

Joginder Singh **---Petitioner**

Vs.

Pawan Kumar and others **---Respondents**

Coram: Hon'ble Mr. Justice S.N.Aggarwal

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Present: Mr.Sunil Chadha, Advocate,
for the petitioner.

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S.N.Aggarwal, J.(Oral)

Submits that the petitioner was defendant No. 2 in the learned Trial Court. He had tendered his affidavit as forming examination-in-chief but could not appear in the learned Trial court for cross-examination and his evidence had been closed vide order dated 30.10.2006. Further submits that if one opportunity is granted to the petitioner on payment of cost, then the petitioner would appear for cross-examination and will also produce any other evidence and close the same at his own responsibility. Further submits that the case is fixed in the learned Trial Court on 21.11.2006.

If notice is granted to the contesting respondents, it will delay the disposal of this petition as also the disposal of the civil suit pending in the learned Trail Court.

In the interest of justice, the petitioner should be granted an opportunity to appear in the learned trial Court for the purpose of cross-

examination. He should also be given an opportunity to produce whatever evidence he wanted to produce at his own responsibility and close the same.

Accordingly, this petition is accepted and the petitioner is granted one opportunity of being cross-examined and for producing other evidence at his own responsibility on payment of cost of Rs. 1,500/-. This amount shall be tendered by the petitioner in the learned Trial Court on 21.11.2006 for onward payment to the contesting respondents. He will also appear for cross examination in support of his affidavit. He will also produce any other witness he wanted to produce at his own responsibility and would close the same. If for one reason or the other the petitioner is not cross-examined for no fault of his own, then the learned Trial Court shall grant one opportunity to the petitioner for appearance for being cross-examined by the contesting respondents and for producing additional evidence at his own responsibility and close the same. If the petitioner fails to make the payment of cost or fails to appear in the learned Trial Court on 21.11.2006 or fails to produce any other evidence and also fails to close his evidence on any adjourned date, then no further opportunity shall be granted to him.

Accordingly, this petition is disposed of.

Copy dasti on payment of usual charges.

(S.N.AGGARWAL)
JUDGE

November 10, 2006
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